

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

CASE NO. 2:20-cr-00115-KJD-NJK

Plaintiff,

VS.

KEVIN LAY, JR.,

Defendant.

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

CONCLUSIONS OF LAW

Based on the fact that counsel has agreed to a continuance, the Court hereby concludes that:

1. Undersigned counsel was appointed by this Court as counsel for Mr. Lay on September 14, 2021.

2. Sentencing in this matter is currently scheduled for January 11, 2022 at 10:00 a.m.

3. Defense counsel is settling into her new office after joining the Clark Hill PLLC firm on November 29, 2021 and is working on retrieving data from her previous firm.

law firm on November 29, 2021 and is working on retrieving data from her previous firm, including pleadings and other information relating to this case.

4. Due to the transition to the new firm and defense counsel's recent illness, additional time is needed to adequately prepare for the sentencing hearing, including consultation with Mr. Lay and the preparation of a sentencing memorandum on Mr. Lay's behalf.

5. Mr. Lay has appeared in this case, is in custody and, along with the government, agrees to this short continuance.

6. The additional time requested herein is not sought for purposes of delay and the denial of this request for a continuance could result in a miscarriage of justice.

7. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing hearing for good cause. Good cause exists in this case.

8. For all the above-stated reasons, the ends of justice would be best served by a short continuance of the sentencing hearing.

9. This is the third request for a continuance of the sentencing hearing.

ORDER

IT IS HEREBY ORDERED that the sentencing hearing in this matter scheduled for January 11, 2022, at the hour of 10:00 a.m. is hereby vacated and continued to the 1st day of February, 2022, at the hour of 11:30 a.m., in Courtroom 4A. by video conference.

DATED this 10th day of January, 2022.

**KENT J. DAWSON
UNITED STATES DISTRICT COURT JUDGE
CASE NO.: 2:20-cr-00115-KJD-NJK**